

EXHIBIT 20

Man Held at Rikers Dies From Razor Wound After Guards Fail to Intervene

A captain and two correction officers were suspended last week after failing to help a man for 10 minutes after he slit his throat. He was taken off life support on Tuesday.

- [Give this article](#)



The Rikers Island jail complex. Credit... Uli Seit for The New York Times

Aug. 30, 2022

Two correction officers and a captain failed to act for at least 10 minutes when a mentally ill man slit his throat with a razor at the Rikers Island jail complex last week, with the guards looking on as the man bled, according to five people with knowledge of the matter.

The man, Michael Nieves, 40, was taken to Elmhurst Hospital where he had been brain-dead and on life support since Friday, according to one official. He was taken off life support on Tuesday and pronounced dead at 9:47 p.m., the official said. The two correction officers and the

captain have been suspended pending the outcome of a department investigation.

The episode was captured on video and it showed Mr. Nieves bleeding out onto the floor of his cell, said the people, who spoke on the condition of anonymity because they were not authorized to discuss the matter publicly.

Mr. Nieves is the third person suspected of dying by suicide and the [13th person to die this year](#) after being held on Rikers Island.

Advertisement

“The health and safety of those in our custody is paramount and an immediate review of this incident required we take immediate action and suspend three uniform staff members involved,” Louis A. Molina, the commissioner of the New York City Department of Correction, said in a statement on Tuesday evening. “We are conducting a full investigation into this and will continue to work tirelessly to bring safety to our city’s jails.”

The Crisis at Rikers Island

Amid the pandemic and a staffing emergency, New York City’s main jail complex has been embroiled in a continuing crisis.

- **2022 Deaths:** Sixteen people died in the city’s jail system last year, the most since 2013. Deaths this year are [on pace to be even higher](#).
- **Gaming the Numbers:** Louis Molina, New York City’s jail commissioner, pushed for a dying man’s release from Rikers in [an apparent bid to limit the prison’s death count](#).
- **Inside Rikers:** Videos obtained by The Times [reveal scenes of violence](#) and offer vivid glimpses of the [lawlessness that has taken hold](#).

- **Decades of Dysfunction:** For years, city officials have presided over [shortcuts and blunders](#) that have led to chaos at the jail complex.

The death toll at the jail complex has continued to grow even as the city has implemented a series of reforms in an effort to ward off the threat of a federal court takeover. The judge overseeing the reforms has scheduled a status conference for November at which she will evaluate the city's progress.

But signs of violence and dysfunction persist. Stabbings and slashings remain high. Overdoses have skyrocketed behind bars, causing the deaths of at least five people this year. A large number of officers are still not showing up or are unavailable to work.

Unlike most of the deaths this year, Mr. Nieves's grave injury was not the result of insufficient staffing. Mr. Nieves, who has been described by officials as seriously mentally ill, was most recently held in the Program to Accelerate Clinical Effectiveness, also known as [the PACE units](#) — Rikers Island's most heavily staffed intensive-care psychiatric housing areas.

Fifty-three percent of the people on Rikers Island have [a mental health diagnosis](#), including 17 percent who, like Mr. Nieves, are seriously mentally ill. The officers assigned to work in these units are specially trained to recognize signs of distress in mentally ill detainees.

Advertisement

Mr. Nieves had been in custody since April 2019 on charges of burglary, arson and other offenses for an incident in Upper Manhattan, records show. Since his arrest, Mr. Nieves was twice found unfit for trial and sent to a state psychiatric facility, once for seven months and then again this year from March to June, according to prosecutors.

Justice Laura A. Ward of the State Supreme Court in Manhattan had ordered another exam to determine whether Mr. Nieves was fit to stand trial. He was due back in court on Sept. 6, court records show.

Mr. Nieves's suicidal tendencies were evident. In a lawsuit filed in 2019, he said that doctors had found he had bipolar and schizophrenia disorders, and accused law enforcement of false imprisonment, and medical professionals of false diagnosis. He spent 12 days at Bellevue Hospital in February 2019 after a suicide attempt in which he burned himself in the bathroom of an office building.

On Aug. 25 while at the jail, Mr. Nieves checked out a razor, two people said, and upon returning him to his cell, officers did not frisk him, and had not checked to ensure the razor was returned.

At 11:30 a.m., Mr. Nieves ran the razor across his neck, causing a six-inch-long laceration, according to four of the people with knowledge, and jail records.

The two officers and their captain watched for at least 10 minutes as Mr. Nieves bled out. Medical staff arrived and Mr. Nieves was taken to the hospital. The next day, officials said, he was declared brain-dead.

William K. Rashbaum contributed reporting.

Advertisement